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Message Text

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43
ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 FAA-00 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 CIEP-01 L-03 H-02 /035 W
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FM AMEMBASSY WARSAW
TO SECSTATE WASHDC PRIORITY 3389
INFO AMEMBASSY MOSCOW

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E.O. 11652: N/A
TAGS: EAIR, PL
SUBJECT: AIRWORTHINESS AGREEMENT

REF: (A) STATE 202452, (B)STATE 98881

1. IN SEPARATE CONVERSATIONS WITH AURELIUSZ MISIOREK, DEPUTY DIRECTOR OF THE CENTRAL CIVIL AVIATION ADMINISTRATION (CCAA), AND WITH OFFICIALS OF MINISTRY OF FOREIGN TRADE, EMBOFF STATED THAT KARNOWSKI'S REPORT HAD BEEN REVIEWD IN WASHINGTON AND SUPPORTS INCLUSION OF LIGHT AIRPLANES IN THE POLISH ANNEX TO THE AIRWORTHINESS AGREEMENT. EMBOFF SAID HE WAS AWARE OF NO OTHER PROBLEMS TO REACHING AGREEMENT AND ASKED IF A SEPTEMBER SIGNING STILL SEEMED LIKELY.

2. MISIOREK EXPRESSED CONCERN OVER THE DRAFT WORDING OF THE POLISH ANNEX AS SUGGESTED IN THE JUNE 2, 1976, LETTER FROM DAS BILLER. HE POINTED OUT THAT, UNDER THIS WORDING, ONLY THOSE SPARE PARTS AND ACCESSORIES "PRODUCED IN POLAND" WOULD QUALIFY FOR INCLUSION UNDER THE AIRWORTHINESS AGREEMENT. MISIOREK EXPLAINED THAT THE FRANKLIN AND PZL-ES ENGINES WOULD USE SOME COMPONENTS IMPORTED FROM THE US, AND THAT THE PZL-3S WOULD ALSO BE BUILT WITH IMPORTED SOVIET COMPONENTS. MOREOVER, THERE IS ALWAYS THE POSSIBILITY THAT PEZETEL WOULD CONCLUDE AGREEMENTS WITH UK OR FRENCH FIRMS TO
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MANUFACTURE COMPONENT PARTS.

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3. MISIOREK SUGGESTED THAT THE WORDING OF THE POLISH ANNEX WITH REFERENCE TO GLIDERS, PISTON ENGINES, AND LIGHT AIRCRAFT BE MODIFIED TO COVER ASSOCIATED SPARE PARTS AND ACCESSORIES WHICH HAVE BEEN CERTIFIED BY POLISH AUTHORITIES. IN RESPONSE TO QUESTIONS, MISIOREK SAID THAT ALL IMPORTED COMPONENTS ARE FULLY TESTED BY POLISH AUTHORITIES BEFORE CERTIFICATION. MISIOREK EXPLAINED THAT THE CCAA IS OBLIGATED TO SPECIFY THE SOURCE OF EACH COMPONENT IN ITS CERTIFICATION OF EACH PRODUCT AND THAT, IN THE EVENT OF A CHANGE IN THE SOURCE OF SUPPLY OF ANY COMPONENT, THE CCAA WOULD BE REQUIRED TO ISSUE A REVISED CERTIFICATE AND TO INFORM FAA OF THE CHANGE.

4. MISIREK ASKED WHY THE US HAD PROPOSED THE "MADE IN POLAND" PROVISION ON SPARE PARTS. EMBOFF REPLIED THAT HE WAS NOT CERTAIN, BUT THAT THE INTENTION WAS CERTAINLY NOT TO EXCLUDE OR UNDULY RESTRICT THE IMPORTATION OF PARTS FOR THOSE ITEMS WHICH WERE TO BE INCLUDED IN THE AGREEMENT. EMBOFF SPECULATED THAT SUCH A PROVISION MIGHT BE NEEDED TO EXCLUDE COMPONENT PARTS MADE IN COUNTRIES WITH WHOM US DID NOT HAVE AN AIRWORTHINESS AGREEMENT, AND POINTED OUT THAT US DOES NOT HAVE AIR-WORTHINESS AGREEMENT WITH THE USSR. THIS PROVISION MIGHT ALSO BE INTENDED TO ASSURE THAT THE BASIC SPIRIT OF AIR-WORTHINESS AGREEMENTS WERE NOT VIOLATED, E.G., TO ASSURE THAT THE ITEMS MANUFACTURED IN POLAND WOULD NOT BE MERELY ASSEMBLY OPERATIONS FOR COMPONENTS MANUFACTURED IN THE USSR. MISIOREK SAID THIS WAS CERTAINLY NOT THE CASE, SINCE ONLY THE CARBURETOR, IGNITION, AND SPARK PLUGS FOR THE PZL-3S WOULD COME FROM THE SOVIET UNION.

5. MISIOREK SAID THAT IT WAS UNDERSTOOD THAT AFTER SIGNING THE AGREEMENT, AN EVALUATION OF POLISH HELICOPTER FACILITIES WOULD BE MADE WITH THE AIM OF ADDING HELICOPTERS TO THE POLISH ANNEX. MISIOREK DID NOT SAY THAT THIS UNDERSTANDING NEEDED TO BE RECORDED IN A SPECIFIC WAY. MFT OFFICIALS, HOWEVER, DID SAY THAT A CLAUSE TO THIS EFFECT SHOULD BE INCLUDED IN THE ANNEX OR IN AN EXCHANGE
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OF LETTERS.

6. MISIOREK SUMMED UP THE POLISH VIEWS BY SAYING THAT CORRECTION OF THE POLISH ANNEX AS DISCUSSED PARAS 2 AND 3 ABOVE WOULD BE QUOTE THE ONLY SINE QUA NON UNQUOTE FOR REACHING AN AGREEMENT. MISIOREK SAID THAT REPRESENTATIVES FROM PEZETEL AND THE MINISTRIES OF TRANSPORTATION AND FOREIGN TRADE COULD BE IN WASHINGTON SEPTEMBER 9 AND 10

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TO CONCLUDE NEGOTIATIONS ON THE AGREEMENT. THE AGREEMENT COULD THEN BE SIGNED DURING THE SEPTEMBER 14-16 SESSION OF THE US-POLISH JOINT TRADE COMMISSION. EMBOFF SAID HE WOULD INFORM THE DEPARTMENT OF MISIOREK'S CONCERNS AND WOULD REQUEST A CLARIFICATION OF THE DEPARTMENT'S POSITION ON THE SPARE PARTS ISSUE.

7. COMMENT: MISIOREK MADE ONLY ON FLEETING REFERENCE TO THE UNRESTRICTED NATURE OF THE US ANNEX, AND HIS STATEMENT THAT THE SPARE PARTS QUESTION WOULD BE THE ONLY "SINE QUA NON" FOR AGREEMENT SEEMS VERY CLEAR. THE EMBASSY HOPES THAT WE CAN GIVE MISIOREK AN EARLY ANSWER TO HIS QUESTIONS AND THAT SPARE PARTS CAN BE INCLUDED ON THE BASIS OF POLISH CERTIFICATION, AND NOT POLISH MANUFACTURING. END COMMENT. BROWN

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